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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,061	06/25/2001	Masakazu Yoshimoto	450100-03259	9677
20999	7590	02/22/2006		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
			EXAMINER CHEVALIER, ROBERT	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/891,061

Applicant(s)

YOSHIMOTO ET AL.

Examiner

Bob Chevalier

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2616

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it contains more than 150 words and it also contains the term "means". Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al (P.N. 6,728,470).

Ito et al discloses an image recording/reproducing apparatus that shows all the limitations recited in claims 1, and 10, including the feature of dividing the inputted image data to provide a plurality of image groups at every predetermined image unit (See Ito et al's column 16, lines 21-23), the feature of the first memory means grouped into groups in response to the number of the image groups and which can be accessed randomly (See Ito et al's column 16, lines 24-29), and the feature of controlling the first memory means such that the first memory means record the image groups, controlling the generating means such that the generating generates error correcting code of the image groups at every said image unit and controlling the second memory means such that the second memory means stores the error correcting codes while cyclically changing a corresponding relationship between the image groups and the first memory means at every said image unit as specified in the present claims 1, and 10. (See Ito et al's column 16, lines 33-40, and column 6, lines 41-58).

With regard to claims 2, and 11, the feature of controlling reproduction such that the groups of the first memory and second means reproduce the image groups and the error correcting codes over the range of the unit of identical images and controlling the error correcting means to correct digital errors of the image groups by the error correcting codes in the once normal speed playback mode as specified thereof is present in the cited reference of Ito et al. (See Ito et al's column 6, lines 49-58, and Figure 10).

With regard to claims 3, and 12, the feature of reproducing the groups of the first memory to reproduce the image groups over the range of the unit of images which are

not identical to each other in the playback mode at speed higher than a once normal speed as specified thereof is present in Ito et al. (See Ito et al's Figures 11-17, and the corresponding disclosure).

With regard to claims 4, and 13, the feature of synthesizing one image data of the image unit from the image groups of the unit of identical images reproduced and error corrected the reproducing control means in the once normal speed playback mode as specified thereof is present in Ito et al. (See Ito et al's column 6, lines 49-58, and Figure 10, and claim 3).

With regard to claims 5-6, and 14, it is noted that the limitations recited thereof are present in the cited reference of Ito et al (See the above rejection of claims 1-4); and the feature of synthesizing one image data of the image unit from the image groups of the unit of images which are not identical to each other reproduced by the reproducing control means in the playback mode at speed higher than a once normal speed as specified thereof is present in Ito et al. (See Ito et al's Figures 11-17, and the corresponding disclosure).

With regard to claim 7, the feature of the first and second memory means being optical disk or hard disk as specified thereof is present in the cited reference of Ito et al. (See Ito et al's Figure 5, component 20).

With regard to claim 8, the feature of the error correcting code being parity code as specified thereof is present in Ito et al. (See Ito et al's column 6, lines 41-58).

With regard to claim 9, the feature of the image recording/reproducing apparatus being a video/audio server or a video server as specified thereof is present in Ito et al. (See Ito et al's Figures 1, and 3).

The applied reference has a common Inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ito et al (P.N. 6,798.972) discloses an image recording/reproducing apparatus including the feature of dividing the image data.

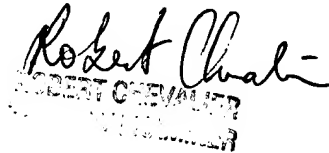
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier  
February 18, 2006.



Robert Chevalier  
ROBERT CHEVALIER  
ATTORNEY AT LAW